

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:02CR3026
)	
v.)	
)	
PABLO LOSANO,)	MEMORANDUM AND ORDER
)	
Defendant.)	
)	

Upon consideration of pending motions,

IT IS ORDERED:

1. Defendant's motion for independent testing, filing 27, is granted, and counsel shall confer with respect to transporting the alleged methamphetamine to the Eastern Nebraska Forensic Laboratory for independent testing and weighing so as to protect the chain of custody and the evidentiary integrity of the substance and weight; the substance shall be transported and safeguarded in accordance with counsel's agreement. If no agreement is reached, the substance shall be transported to and from the laboratory by law enforcement officers as directed by plaintiff's counsel, but separate from any law enforcement officers heretofore involved in this case in any way. It shall be safeguarded and its custody documented by those officers and the personnel at the laboratory. The results of the testing and weighing shall be provided to both counsel, and the substance shall be returned to its present location within thirty days.

2. The time necessary for the completion of the independent testing, up to thirty days, shall be excluded from the calculation of elapsed days under the Speedy Trial Act, for the reason that the interests of justice demand that the defendant's preparation for trial be complete and include this testing. The interests of the defendant and the public in a speedy trial are outweighed by the interests of the defendant in complete preparation for trial, taking into consideration due diligence of the parties.

3. The motion for bill of particulars, filing 25, is denied.

4. Trial of this matter is set for 9:00 a.m., December 12, 2005 for a duration of three trial days before the Honorable Richard G. Kopf, United States District Judge, in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial.

DATED this 7th day of October, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge